



Re: UEC 

Ben Harrison to: Ray Leissner, Wren Stenger

10/16/2012 09:07 AM

Cc: David Gillespie, Michael Overbay, Stacey Dwyer, Philip Dellinger

From: Ben Harrison/R6/USEPA/US

To: Ray Leissner/R6/USEPA/US@EPA, Wren Stenger/R6/USEPA/US@EPA

Cc: David Gillespie/R6/USEPA/US@EPA, Michael Overbay/R6/USEPA/US@EPA, Stacey Dwyer/R6/USEPA/US@EPA, Philip Dellinger/R6/USEPA/US@EPA

We can certainly discuss this. While I agree the definition is very important, I wonder if we need to address that in this action. Or if there is an indirect way to phrase it as we explain what we're doing. Maybe just state our position as it relates to these wells and then say why that use is protected in this case without ever acknowledging the State position.

We and OGC are probably going to recommend a separate decision memo as a place for details and basis for the decision rather than putting everything in the letter. This might be a better place to address your concern.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

Ray Leissner

Attorney - Client Privileged Not for Distributi...

10/16/2012 07:53 AM MDT

From: Ray Leissner
To: Ben Harrison; Wren Stenger
Cc: David Gillespie; Michael Overbay; Stacey Dwyer; Philip Dellinger
Date: 10/16/2012 07:53 AM MDT
Subject: Re: UEC

Attorney - Client Privileged Not for Distribution Deliberative

Ben, Wren,

In addition to the FOIA concerns you point out, I am concerned about how our disagreement with TCEQ over the definition of current will be perceived. As you may recall they claimed in one of their responses that if a well did not penetrate or "tap" the proposed exempted aquifer (i. e. if the well is not physically located within the exempted area), that aquifer is not a currently used aquifer. If this approval is taken as an acquiescence to TCEQ's position, this could set a precedence, hindering any ability to take into consideration a well's obvious purpose of capturing water from its surrounding aquifer.

This is important. There are several other exemptions applications expected in this Region as I suspect is the case in the other Regions as well. Any exemption we approve here may be scrutinized by industry nationally for consistency. Therefore I wonder if we can insert language in this approval letter to eliminate any perception that TCEQ's definition of current was accepted.

Ray Leissner, Env. Eng.
Ground Water / UIC Section (6WQ-SG)
(214) 665 - 7183
USEPA, Region 6

The FIRST STEP in protecting your ground water is to have your well tested.

Ben Harrison

Just a reminder, once you send TCEQ the draft,...

10/15/2012 04:42:21 PM

From: Ben Harrison/R6/USEPA/US
To: Wren Stenger/R6/USEPA/US@EPA, Ray Leissner/R6/USEPA/US@EPA
Cc: Philip Dellinger/R6/USEPA/US@EPA, Stacey Dwyer/R6/USEPA/US@EPA, William Honker/R6/USEPA/US@EPA, Michael Overbay/R6/USEPA/US@EPA, David Gillespie/R6/USEPA/US@EPA
Date: 10/15/2012 04:42 PM
Subject: Re: UEC

Just a reminder, once you send TCEQ the draft, it becomes a public document subject to release under FOIA. A face to face with TCEQ where they see the document, comment if need be and we take it back is the only legal mechanism to avoid release of the draft should someone ask for it.

Ben J. Harrison
Deputy Regional Counsel
Region 6, U.S. EPA

From: Wren Stenger
Sent: 10/15/2012 04:34 PM CDT
To: Ray Leissner
Cc: Philip Dellinger; Stacey Dwyer; William Honker; Michael Overbay; Ray Leissner; David Gillespie; "Ben Harrison" <harrison.ben@epa.gov>
Subject: UEC

All, Sam talked to Harry Anthony about paying for installing two monitoring wells and sampling. Harry suggested there are already two wells installed that were intended as monitoring wells. Sam asked Harry to send the information about the existing wells to the GW District and discuss if these wells would suffice. If the GW District agrees to use the existing wells, fine. If not, Harry agreed to work with the them to pay for (no dollar amount agreed on) the installation and sampling of two new monitoring wells. Sam reconfirmed the importance of post mining monitoring of these wells.

Sam asked that we get our draft approval letter to HQs and TCEQ without delay. Ray tweaked the draft letter. Mike Overbay sent it to HQs today. He talked with Ron Bergman, who will share it with OGC, too.

I called Charles McQuire to confirm he wants to see the draft and left him a VM. Bill asked that I also ask Charles for a copy of the TCEQ draft letter to EPA for the amended/revised exemption request.

From: Ray Leissner/R6/USEPA/US
To: William Honker/R6/USEPA/US@EPA, Wren Stenger/R6/USEPA/US@EPA
Cc: Stacey Dwyer/R6/USEPA/US@EPA, Philip Dellinger/R6/USEPA/US@EPA
Date: 10/15/2012 01:37 PM
Subject: Any word from Sam on the monitoring well proposal?

Bill, Wren,

Before she left, Stacy asked me to inform Art Dohmann, before his board meeting tonight if possible, on UEC's response to Sam's proposal for monitor wells. I suspect you are aware of this opportunity and may intend to talk to Art yourself. In either case, it would be timely if Art could be informed before his meeting. Thanks.

Ray Leissner, Env. Eng.
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